IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OHIO

EASTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. THE FOLLOWING REAL PROPERTY TO THE EXTENT OF $32,947.68: 3325 N. STATE ROUTE 51, GIBSONBURG, OHIO, PARCEL NO.: 21-31-00-0006-08, INCLUDING ALL FIXTURES, IMPROVEMENTS AND APPURTENANCES, Defendant.	)	CASE NO. 1:16-CV-1793 JUDGE JAMES S. GWIN **AGREEMENT AND ORDER**

THIS AGREEMENT is entered into by and between the following parties: (i) the United States Attorney's Office for the Northern District of Ohio ("USAO"); (ii) David R. Sager and Lisa A. Sager; and, (iii) Midland Title and Escrow, Ltd. The parties hereby agree as follows:

1. On July 14, 2016, the Complaint in Forfeiture (Dkt. No. 1) was filed in this case against the following real property to the extent of $32,947.68: 3325 N. State Route 51, Gibsonburg, Ohio, Parcel No.: 21-31-00-0006-08.

2. On August 4, 2016, David R. Sager and Lisa A. Sager filed a verified claim to the defendant property. (Dkt. No. 10: Verified Claim.) David R. Sager and Lisa A. Sager, husband and wife, are the record owners of the defendant property.

3. David R. Sager and Lisa A. Sager have entered into an agreement to sell the defendant property. The sale price is $275,000.00. With respect to the sale, Midland Title and Escrow, Ltd., is the closing agent.

4. At the closing of the sale of the defendant property, Midland Title and Escrow, Ltd., shall:

a.) pay all encumbrances due and owing on the defendant property; including, but not limited to, the mortgages held by The Home Savings and Loan Company of Youngstown, Ohio.[1]

b.) deliver/forward $32,947.68 of the proceeds realized from the sale to the undersigned counsel for the United States. The certified check in the amount of $32,947.68 shall be made payable to the "U.S. Department of Treasury."

5. The undersigned counsel for the United States shall forward the certified check to the Internal Revenue Service (IRS). The $32,947.68 shall be held by the IRS in "escrow" pending the conclusion of the forfeiture action(s).

6. The $32,947.68 shall be a substitute *res* subject to forfeiture in place of the property that was sold.

7. Upon receipt of the $32,947.68 certified check, the undersigned counsel for the United States will deliver/forward the following document to Midland Title and Escrow, Ltd.: an appropriate release for the Notice of *Lis Pendens* recorded on July 18, 2016, Sandusky County, Ohio, Instrument Number 201600004379, OR Book 173 Pages 2183-2184. At that time, all

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[1] On August 1, 2016, The Home Savings and Loan Company of Youngstown, Ohio, filed a Verified Claim (Dkt. No. 7) asserting mortgage interests in the defendant property and an Answer (Dkt. No. 8) to the complaint for forfeiture. The Home Savings and Loan Company of Youngstown, Ohio, holds first and second mortgage liens against the defendant property, which were recorded on May 25, 2005.

claims of the United States against the defendant property by reason of the Notice of *Lis Pendens* are released and extinguished.

8. The parties to this Agreement and Order shall bear their own costs and attorney's fees.

Respectfully submitted,

Carole S. Rendon
United States Attorney, Northern District of Ohio

David R. Sager

Lisa A. Sager

Scott D. Simpkins (0066775)
55 Public Square, Suite 1950
Cleveland, Ohio 44113
216.621.8484
Fax: 216.771.1632
sdsimp@climacolaw.com

Counsel for David R. Sager and
Lisa A. Sager

By: ______________________
James L. Morford (Ohio: 0005657)
Assistant United States Attorney, N.D. Ohio
400 United States Court House
801 West Superior Avenue
Cleveland, Ohio 44113
216.622.3743 / Fax: 216.522.7499
James.Morford@usdoj.gov

Midland Title and Escrow, Ltd.

By: ______________________
Sandra M. Hylant, Esq.
Vice President and Title Counsel
401 Adams Street
Toledo, Ohio 43604
419.720.1929 / Fax: 419.255.9108
Hylant@midlandtoledo.com

ORDER

9. The Court accepts the parties' agreements, set forth above, with respect to the sale of the defendant property located at 3325 N. State Route 51, Gibsonburg, Ohio, Parcel No.: 21-31-00-0006-08. THEREFORE, it is Ordered, Adjudged, and Decreed:

claims of the United States against the defendant property by reason of the Notice of *Lis Pendens* are released and extinguished.

8. The parties to this Agreement and Order shall bear their own costs and attorney's fees.

Respectfully submitted,

Carole S. Rendon
United States Attorney, Northern District of Ohio

David R. Sager

Lisa A. Sager

By: James L. Morford (Ohio: 0005657)
Assistant United States Attorney, N.D. Ohio
400 United States Court House
801 West Superior Avenue
Cleveland, Ohio 44113
216.622.3743 / Fax: 216.522.7499
James.Morford@usdoj.gov

Scott D. Simpkins (0066775)
55 Public Square, Suite 1950
Cleveland, Ohio 44113
216.621.8484
Fax: 216.771.1632
sdsimp@climacolaw.com

Counsel for David R. Sager and
Lisa A. Sager

Midland Title and Escrow, Ltd.

By: Sandra M. Hylant, Esq.
Vice President and Title Counsel
401 Adams Street
Toledo, Ohio 43604
419.720.1929 / Fax: 419.255.9108
Hylant@midlandtoledo.com

ORDER

9. The Court accepts the parties' agreements, set forth above, with respect to the sale of the defendant property located at 3325 N. State Route 51, Gibsonburg, Ohio, Parcel No.: 21-31-00-0006-08. THEREFORE, it is Ordered, Adjudged, and Decreed:

10. At the closing of the sale of the defendant property, Midland Title and Escrow, Ltd., shall:

a.) pay all encumbrances due and owing on the defendant property; including, but not limited to, the mortgages held by The Home Savings and Loan Company of Youngstown, Ohio.

b.) deliver/forward $32,947.68 of the proceeds realized from the sale to counsel for the United States. The certified check in the amount of $32,947.68 shall be made payable to the "U.S. Department of Treasury".

11. Counsel for the United States shall forward the certified check to the Internal Revenue Service. The $32,947.68 shall be held by the IRS in "escrow" pending the conclusion of the forfeiture action(s).

12. The $32,947.68 shall be a substitute *res* subject to forfeiture in place of the property that was sold.

13. Upon receipt of the $32,947.68 certified check, counsel for the United States will deliver/forward a Release of *Lis Pendens* to Midland Title and Escrow, Ltd.

SO ORDERED this 22nd day of August, 2016.

s/ James S. Gwin
James S. Gwin
United States District Judge, N.D. Ohio